THE HON'BLE SRI JUSTICE E. DHARMA RAO

W.P.No. 17957 of 2005

The petitioner in this writ petition challenges the impugned notice dated 15-05-2005 issued in his name by the Mandal Revenue Officer, 1st respondent herein, as illegal and arbitrary.

The petitioner submits that he purchased the land in an extent of Ac.0-50 cents in Sy.No. 256/4 of Kondapavuluru village through a registered sale deed dated 6-2-2004 from one Chintapalli Kotaiah s/o Chintapalli Prakasham. On verification, it is stated, the petitioner came to know that the property purchased is the ancestral property of his vendor and his vendors have been in possession and enjoyment of the same since more than 50 years, that the petitioner being a bona fide purchaser under the registered sale deed as per Regd.Doc.No.246/2004, dated 6-2-2004 has been in possession and enjoyment of the property and that the land in question is not an assigned land. The petitioner further submits that to his dismay the Mandal Revenue Officer, 1st respondent, without conducting any enquiry as to the nature of the land, issued the impugned notice dated 15-5-2005 under the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 directing him to show cause as to why he should not be evicted from the land in question and the petitioner has submitted his explanation dated 02-08-2005 to the said notice. The apprehension of the petitioner is that the 1st respondent without conducting enquiry and even without looking into the registered sale deeds in respect of the land in question is trying to evict the petitioner from the land arbitrarily.

It is to be seen that the petitioner submitted his explanation dated 02-08-2005 to the impugned notice dated 15-5-2005 and the same is pending consideration before the 1st respondent. Since the explanation of the petitioner to the impugned notice is pending consideration, no presumption can be drawn that the 1st respondent would evict the petitioner from the land in question without there being

an enquiry conducted as to the nature of the land. It is only on the show cause notice issued by the 1st respondent and on mere apprehension that he may be evicted from the land in question the petitioner is invoking the jurisdiction of this Court under Article 226 of the Constitution. Therefore I do not see any reason to entertain the writ petition and the same is liable to be dismissed. It is needless to state that the 1st respondent will consider and dispose of the representation of the petitioner dated 02-08-2005 after giving an opportunity of being heard and in accordance with law within twelve weeks from the date of receipt of a copy of this order.

Subject to the observation indicated above, the writ petition is dismissed. No costs.

16th August, 2005

BJ/

IN THE HIGH COURT OF JUDICATURE OF ANDHRAPRADESH : AT HYDERABAD.

The Hon'ble Sri Justice E. Dharma Rao

W.P.No. 17957 of 2005

Dated : 16th August, 2005

Between:

Smt. T. Kameshweari …Petitioner

And

The Mandal Revenue Officer,
Gannavaram,
Krishna Dist. & Others. ..Respondents.